



CHARTER OAK LAW GROUP, LLC

SENT VIA EMAIL AND REGULAR MAIL

January 3, 2020

Town of West Hartford Inlands Wetlands and Watercourses Agency
Care of Mr. Todd Dumais
todd.dumais@westhartfordct.gov
Town Planner
Town of West Hartford
50 South Main Street, Room 214
West Hartford, CT 06107.

Re: 36 Ferncliff Drive – Application # IWW#1118 - Conservation and Environment
Commission; Submitted by Levesque Properties, LLC –Simsbury CT

Dear Agency Members:

I am writing on behalf of Mr. Douglas Jones and Mrs. Carolina Cudemus-Jones, owners of 30 Ferncliff Drive, West Hartford, relating to the application referenced above submitted by Levesque Properties, LLC. We have reviewed letters, correspondence, emails and plans attached to its application, and have concerns about some of the information that has been included.

You should know that there has not been complete transparency with Mr. Levesque regarding his application. Mr. Levesque via email in late June (attached) contacted Mr. and Mrs. Jones to advise that clearing was to begin at the lot located at 36 Ferncliff Drive. On July 5th, when Mr. Levesque met with the Jones for the first time, the lot was already cleared. During this brief meeting, Mr. Levesque did not have drawings nor plans to share except a hand drawn location of the proposed building overlaid on a survey. The Jones requested a building plan showing offsets and planned utilities path and asked if Planning and Zoning permits had been obtained, Mr. Levesque stated that no permits had been filed which is not consistent with the statements in the letter to the Planning and Zoning staff included in the permit application. Mr. Jones contacted Town Planning and Zoning advising of the clearing and requesting information with regards to permits. At the July 5, 2019 meeting, the Jones expressed their concern about run off as a result of the clearing work performed and the impact of on-going construction. They requested that E&S control fencing be placed to address run-off. Mr. Levesque complied.

Further review of the emails in the application include a request from Ms. Catherine Dorau on November 21, 2019 to Robert Green Associates concerning the adjacent easement and any arrangements between the 30 and 36 Ferncliff parties. The language of the easement was apparently included in the application. In November, the Cudemus Jones were requested to review documentation (see attached) requesting access to the easement. The Jones denied access and replied that information was not sufficient to determine the extent of the request. No additional contact has taken place about this disposition.

The Jones have owned the property since 2007. Runoff has been a common occurrence at this location because 36 Ferncliff sits at a considerable higher elevation than either 26 or 30 Ferncliff. The runoff affects the driveway at 30 Ferncliff, the shared driveway of 26/30 Ferncliff and the brook that passes through the properties. The runoff can be and has been so severe through the years, that the Jones' driveway is considerably damaged and planned repairs/ replacement this year were put on hold because of the clearing and unknown grading or building plans for 36 Ferncliff.

Mr. and Mrs. Jones do not feel that the application and attendant attachments seriously address the additional runoff and impact of construction on their property at 30 Ferncliff, the other adjoining neighbor's property at 26 Ferncliff, nor the impact on the brook and its watercourse. Nor does the application address engineering controls during and after construction which will need to be put in order to protect the brook, and our property now as well as avoid issues in the future that will impact continued maintenance of our property, flooding, the natural beauty of the land, for which we bought here in 2007, as well as continued property values. We ask that your commission require further specific action plans and drawing to address these issues and concerns.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mary Anne A. Charron". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mary Anne A. Charron, Esq.